



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: July 16, 2020.


TONY M. DAVIS
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
MIDLAND DIVISION**

In re:

TAJAY RESTAURANTS, INC., et al.,

Debtors.¹

Chapter 11
Case No. 19-70067-TMD
(Jointly Administered)

**ORDER ALLOWING, IN PART, ADMINISTRATIVE EXPENSE
OF AUGUST, AUGUST & LANE OF ROCHESTER, LLC AND AA&L II LLC
FOR POST-PETITION RENT
(Against Yummy Holdings, LLC, Case No. 19-70069-TMD)
[Docket No. 390]**

There came on for consideration before the Honorable Tony M. Davis, United States Bankruptcy Judge, the Motion of August, August & Lane Rochester, LLC and AA&L II LLC (“Claimant”) for Administrative Expense for Post-Petition Rent, Doc. No. 390 (the “Motion”), and the Debtors’ Objection filed June 11, 2002, Doc. No. 405 (“Objection”). The Court, upon the representation, that the parties agree to the entry of this Order, finds and concludes:

¹ The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are as follows: Yummy Seafoods, LLC (5495); Yummy Holdings, LLC (5580); and Tajay Restaurants, Inc. (3602). The mailing address for the Debtors, solely for purposes of notices and communications, is 3304 Essex Drive, Richardson, Texas 75082.

1. Debtor, Yummy Holdings, LLC (“Yummy”), filed with this Court on May 16, 2019 (the “Petition Date”), its voluntary petition for relief under chapter 11 of the United States Bankruptcy Code.

2. The Claimant filed its Motion on May 22, 2020.

3. Notice of the Motion was properly served upon all parties entitled to notice of the Motion.

4. The Debtors filed their Objection to the Motion on June 11, 2020.

5. This Court has jurisdiction over the parties and subject of this core proceeding under 28 U.S.C. §§ 1334 and 157(b)(2).

6. On June 18, 2008, Yummy, as tenant, entered into a Lease Agreement with Servant Investments Fund, LLC, as landlord, to lease a restaurant located at 142 Shawnee Street, Muskogee, Oklahoma for a period of 20 years beginning on June 18, 2008 (the “Lease Agreement”). The Lease Agreement was assigned to Claimant on November 21, 2008 pursuant to an Assumption and Assignment Agreement.

7. On August 28, 2019, this Court entered an Order Approving the Rejection of Unexpired Leases of Nonresidential Real Property or Executory Contracts and Abandonment of Property in Connection Therewith, effective August 8, 2019 (the “Rejection Date”).

8. Claimant is entitled to an administrative expense under 11 U.S.C. §§ 365(d)(3) and 503(b), in the amount of \$10,914.84, for unpaid rent under the Lease Agreement for the period of time from the Petition Date to the Rejection Date.

9. The Motion is denied to the extent not otherwise provided for herein.

IT IS THEREFORE ORDERED that August, August & Lane Rochester, LLC and AA&L II LLC be and is hereby allowed an administrative expense against Yummy Holdings, LLC, in the amount of \$10,914.84.

IT IS FURTHER ORDERED that Yummy Holdings, Inc. and August, August & Lane Rochester, LLC and AA&L II LLC are authorized to take all actions necessary to effectuate the relief granted by this Order.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction with respect to all matters arising from and related to the implementation of this Order.

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APPROVED:

/s/ Brandon C. Bickle

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